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Masashi Sugano

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8527

7590

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EXAMINER

LEE, CHEUKFAN

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 07/01/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/758,002

**Applicant(s)**

SUGANO, MASASHI

**Examiner**

Cheukfan Lee

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 8-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 7 is/are rejected.
- 7) ☒ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Applicant has elected Species a), shown in Figs. 1 and 2, for further prosecution on the merits, **without** traverse. Claims 1-7 correspond to elected Species a).

Claims 8-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species b), c) and d), there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 15, 2004.

Applicant is reminded that claims 8-18 are only withdrawn from further consideration but not canceled. A complete response to a final rejection must include cancellation of non-elected claims or other appropriate action (37 C.F.R. 1.144).  
M.P.E.P. § 821.01.

2. The abstract is objected to because of the following:

On 2<sup>nd</sup> to the last line, "leak" should read – leaks --.

The abstract are in two paragraphs. The abstract should be in a single paragraph.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The specification is objected to.

Page 16, line 18, "48" should be – 18 – to designate the sensor.

4. Claims 1-7 are objected to for the following minor errors:

In claims 1 and 2, the last three lines, "none ... leak ..." should read – none ... leaks ... -- because "none" is singular, not plural.

Claims 3-7 are objected to as being dependent upon an objected claim.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uto (U.S. Patent No. 5,373,352).

Regarding claim 1, Uto discloses an original image reading apparatus (original scanning device) for reading a document image while the document is fed through a scanning window (29) by an automatic document feeder (ADF 400) and for reading an image of a document placed on original-mount glass (5). A document cover (Fig. 3)

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holds the document placed on the glass (5). The scanning window (29) and glass (5) correspond to the claimed dynamic-document reading section and static-document reading section. A light source mechanism (67 including light source 6) irradiates light onto either a document fed through the scanning window (29) or a document placed on the glass (5). The moving of the light source mechanism (67 including 6) is controlled by an inherent controller which controls the movement and action of the light source mechanism. Uto also discloses an image-capturing element as claimed, for receiving and converting document reflected light into electric signals (col. 8, lines 53-57).

The claim recites, in the language of "wherein ...", "said controller controls said light source mechanism so that substantially none of said exposing light emitted from said light source mechanism leak outside through said dynamic-document reading section." Uto discloses an obturating member (300) provided below the window (9), which can obturate or block light (Figs. 2(a) and 2(b)). The light source mechanism (67 including 6) is controlled such that in a case a document placed on the glass (5) is to be scanned and the window (9) is not used, the light source mechanism (67 including 6) at the left most position (Fig. 2(b)) is moved to the right to be underneath glass (5), thus releasing the obturating member (300) to block light at the window (9). Therefore, the controller controls the light source mechanism (67 including 6) so that substantially none of the exposing light emitted from the light source mechanism (67 including 6) leaks through the window (9) (dynamic-document reading section), which meets the claimed limitations quoted above (col. 2, line 63 – col. 3, line 10 and lines 64-68, col. 5, line 10 – col. 6, line 36).

Uto differs from the claimed invention in that, unlike in the claimed invention that the ADF is openable when the static document reading section is in use, the document cover for covering the document placed on glass (5) seems to be an integral part of the ADF (400 in Fig. 4). That means, during scanning of a document placed on the glass (5), the ADF is not supposed to be opened. The claim language of the "wherein ..." limitation includes "when said automatic document feeder is opened with regard to said dynamic-document reading section and said document is put stationary on said static-document reading section ..."

Although Uto does not disclose a document cover separated from the ADF (400), the claimed arrangement of the ADF and document cover is not novel and is taught by Applicant's admitted prior art (top of page 3 of Applicant's specification). Since Applicant's prior art image reading apparatus and Uto's apparatus both have the dynamic-document reading section and a static-document reading section, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the ADF and document cover arrangement Uto with the arrangement of Applicant's prior art to provide a lighter-weight document cover for the user to operate and to provide an option of opening the ADF while the window (29) is not used.

Regarding claim 7, see "image forming apparatus" and "copier" of Uto (col. 2, lines 63-68).

7. Claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the

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base claim and any intervening claims and written to overcome the objection set forth in this Office action.

8. The following is an examiner's statement of reasons for allowance:

Claims 2-6 would be allowable over Uto because Uto does not disclose as claimed in claim 2 that the controller, which controls moving and light-emitting actions of the light source mechanism (67 including 6 in Uto), controls timing to start emitting light from the light source mechanism to achieve the result that substantially none of the exposing light emitted from the light source mechanism leaks outside through the window (9) (dynamic-document reading section). Claims 3-6 depend upon claim 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ono et al. (U.S. Patent No. 5,657,113) discloses a document exposure apparatus having control means to control exposure means so that when the press cover for a document is in an open state, the quantity of light, leaked when the exposure means is

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operating and hitting the eyes of an operator, is within a predetermined value for a fixed time.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (703) 305-4867. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee  
June 21, 2004



*Cheukfan Lee*